

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JANE DOE,

Plaintiff,

vs.

BOARD OF TRUSTEES OF THE
NEBRASKA STATE COLLEGES, a Political
Subdivision of the State of Nebraska,

Defendant.

8:17CV265

MEMORANDUM AND ORDER

This matter is before the Court on the defendants' motion for relief under Federal Rule of Civil Procedure 56, [Filing No. 125](#); and on the plaintiff's motion for leave to submit additional evidence, [Filing No. 131](#), and the defendants' objection thereto, [Filing No. 132](#). This is an action for gender discrimination under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. ("Title IX").

These motions involve a pending motion for summary judgment. The defendant asks the Court to deem its statement of facts admitted in light of the plaintiff's alleged failure to follow the Court's local rules by setting forth disputed facts in a narrative fashion rather than in separately numbered paragraphs. The Court finds the defendants exalt form over substance. "A local rule imposing a requirement of form must not be enforced in a way that causes a party to lose any right because of a nonwillful failure to comply." Fed. R. Civ. P. 83(a)(2). The Court considers evidence in the record in connection with summary judgment motions and does not rely on the parties' generally argumentative and self-serving recitations of purportedly undisputed facts. Accordingly, the motion will be denied.

The plaintiff seeks to submit additional evidence in connection with the summary judgment motion. That evidence post-dates the events at issue and is not relevant to the issues presently under consideration. Because the Court will not consider the evidence, the defendant's objections are overruled as moot. Whether the evidence may be relevant to issues at trial need not be resolved at this point. Accordingly, the motion will be denied.

IT IS ORDERED:

1. The defendants' motion for relief under Federal Rule of Civil Procedure 56 ([Filing No. 125](#)) is denied.
2. The plaintiff's motion for leave to submit additional evidence ([Filing No. 131](#)) is denied.
3. The defendant's objections are overruled as moot ([Filing No. 132](#)).

Dated this 7th day of February 2020.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge